

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF )  
COLUMBIA CEMENT CORP., )  
Appellant, )  
vs. )  
PUGET SOUND AIR POLLUTION )  
CONTROL AGENCY, )  
Respondent. )

PCHB No. 440

FINAL FINDINGS OF FACT,  
CONCLUSION OF LAW  
AND ORDER

THIS MATTER being an appeal of a \$50.00 civil penalty for an alleged particulate emission violation of respondent's Regulation I; having come on regularly for hearing before the Pollution Control Hearings Board on the 27th day of December, 1973, at Seattle, Washington; and appellant Columbia Cement Corp. appearing through its terminal supervisor, Ron Dowell and respondent Puget Sound Air Pollution Control Agency appearing through its attorney, Keith D. McGoffin; and Board members present at the hearing being Walt Woodward and Mary Ellen McCaffree; and the Board having considered the sworn testimony, exhibits, records

1 and files herein and having entered on the 11th day of January, 1974,  
2 its proposed Findings of Fact, Conclusion of Law and Order; and the  
3 Board having served said proposed Findings, Conclusion and Order upon  
4 all parties herein by certified mail, return receipt requested and  
5 twenty days having elapsed from said service; and

6 The Board having received no exceptions to said proposed Findings,  
7 Conclusion and Order; and the Board being fully advised in the premises;  
8 now therefore,

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed  
10 Findings of Fact, Conclusion of Law and Order, dated the 11th day of  
11 January, 1974, and incorporated by this reference herein and attached  
12 hereto as Exhibit A, are adopted and hereby entered as the Board's  
13 Final Findings of Fact, Conclusion of Law and Order herein.

14 DONE at Lacey, Washington, this 13<sup>th</sup> day of February, 1974.

15 POLLUTION CONTROL HEARINGS BOARD

16  
17 Walt Woodward  
18 WALT WOODWARD, Chairman

19  
20 Mary Ellen McCaffree  
21 MARY ELLEN McCAFFREE, Member

22  
23  
24  
25  
26  
27 FINAL FINDINGS OF FACT,  
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BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
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1 IN THE MATTER OF )  
2 COLUMBIA CEMENT CORP., )  
3 Appellant, )  
4 vs. )  
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6 CONTROL AGENCY, )  
7 Respondent. )

PCHB No. 440

FINDINGS OF FACT,  
CONCLUSION AND ORDER

8 This matter the appeal of a \$50.00 civil penalty for an alleged  
9 particulate emission violation of respondent's Regulation I, came before  
10 the Pollution Control Hearings Board (Walt Woodward, presiding officer,  
11 and Mary Ellen McCaffree) at a formal hearing in the Washington Commerce  
12 Building, Seattle, Washington, at 2:00 p.m. on December 27, 1973.

13 Appellant was represented by its terminal supervisor, Ron Dowell.  
14 Respondent appeared through Keith D. McGoffin. Shirley Marshall,  
15 Seattle court reporter, recorded the proceedings.

16 Witnesses were sworn and testified. Exhibits were admitted.

17 From testimony heard and exhibits examined, the Pollution Control  
18 Hearings Board makes these

EXHIBIT A

1 FINDINGS OF FACT

2 I.

3 Appellant operates a cement plant at 3423 Klickitat S.W., Seattle,  
4 King County. Included in its equipment are bag filters, located on the  
5 top of silos, for the containment of emissions. No emissions were  
6 noted by company personnel returning from lunch at about 1:00 p.m.,  
7 June 20, 1973.

8 II.

9 At 1:32 p.m. and again at 1:58 p.m. on June 20, 1973, an inspector  
10 on respondent's staff noted a 10% opacity light tan dust emission escaping  
11 from the vent of a bag house atop one of appellant's silos. He  
12 called this to the attention of a supervisor of appellant's plant, who  
13 immediately caused a shutdown and inspection of the bag house. A small  
14 hole in one of the 108 bags in that section was discovered and repaired.

15 III.

16 The inspector served on appellant Notice of Violation Number 7875,  
17 citing Section 9.15 of respondent's Regulation I. Subsequently, and  
18 in connection therewith, respondent served on appellant Notice of  
19 Civil Penalty Number 1032 in the amount of \$50.00, which is the subject  
20 of this appeal.

21 IV.

22 Section 9.15(a) of respondent's Regulation I makes it unlawful to  
23 cause or allow particulate matter to be stored without taking  
24 "reasonable" precautions to prevent the matter from becoming airborne.  
25 Section 3.29 of respondent's Regulation I authorizes respondent to levy  
26 a civil penalty of not more than \$250.00 for any violation of respondent's

27 FINDINGS OF FACT,

CONCLUSION AND ORDER

1 Regulation I.

2 From these findings, the Pollution Control Hearings Board comes  
3 to this

4 CONCLUSION

5 It is apparent that the alleged violation was caused by a small  
6 rupture of an emission containing bag, said rupture occurring sometime  
7 in the half-hour period after the bag house was inspected and found to  
8 be functioning properly by appellant's personnel. After the slight  
9 emission was called to appellant's attention, the bag house promptly was  
10 shutdown and repairs made. From this, the Board finds that appellant  
11 took "reasonable" precautions to prevent particulate matter from becoming  
12 airborne.

13 Therefore, the Pollution Control Hearings Board issues this

14 ORDER

15 The appeal is sustained and Notice of Civil Penalty Number 1032  
16 in the amount of \$50.00 is ordered stricken.

17 DONE at Lacey, Washington this 14th day of January, 1974.

18 POLLUTION CONTROL HEARINGS BOARD

19  
20 Walt Woodward  
21 WALT WOODWARD, Chairman

22  
23 Mary Elden McCaffree  
24 MARY ELDEN McCAFFREE, Member

26 FINDINGS OF FACT,  
27 CONCLUSION AND ORDER